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* Application for leave to appear pro
hac vice for this case made by Motion on
February 11, 2008 pursuant to Local Civil
Rule 1.3(c).

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

X

TOM OGNIBENE, et al.,

Plaintiffs,

-against-

C.A. No. 08 CV 01335 (LTS) (TDK)

SCHWARZ, et al.,

Defendants.

X

DECLARATION OF MARLENE J. TAPPER

I, Marlene J. Tapper, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a political activist. Most recently, I was a Ballot Delegate from the Seventh Congressional District for Sen. Barack Obama. I am over eighteen years of age and my statements herein are based on personal knowledge.

2. In 2005, I ran for New York city council member.

3. I would like to run for city council member again in 2009 as a participating candidate, but believe I will be unable to raise sufficient funds because of sections 3-703(1-a), 3-703(1)(l), and 3-702(3) of the Code.

4. In particular, I would like to solicit and accept contributions in excess of \$250 from those having business dealings with the city, but cannot because of section 3-703(1-a) of the Code. I would also like to solicit and accept contributions from limited liability companies, limited liability partnerships, and partnerships, but cannot because of section 3-703(1)(l) of the Code. I would also like to receive matching funds for these contributions, but cannot under section 3-702(3) of the Code.

5. I expect that I will receive a substantial portion of my financial support from those having business dealings with the city. I also expect that I would receive substantial support from limited liability companies, limited liability partnerships, and partnerships, if they were allowed to contribute.

6. I have decided that I cannot run for city council member so long as sections 3-703(1)(l), 3-703(1-a), and 3-702(3) remain in place.

7. Sections 3-702(3), 3-703(1-a), and 3-703(1)(l) deprive me of my constitutional rights under the First and Fourteenth Amendments to the United States Constitution. I will suffer irreparable harm if their enforcement is not enjoined. I have no adequate remedy at law.

8. Because candidates are currently raising funds for the 2009 election, it is imperative that the Court grant relief immediately. Every day that passes without judicial relief is another day that my First and Fourteenth Amendment rights are impermissibly burdened.

9. I declare under penalty of perjury that the foregoing statements in this declaration are true and correct to the best of my knowledge, information, and belief.

Executed on April 10, 2008.

A handwritten signature in black ink, appearing to read "Marlene J. Tapper", written over a horizontal line.

Marlene J. Tapper
25-11 89th Street
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